

Anthony N. Kaim

From: Yeh, Alice <Yeh.Alice@epa.gov>
Sent: Wednesday, April 14, 2021 2:00 PM
To: Anthony N. Kaim; Marshal Hoda
Cc: Calderon, Wanda; DeLuca, Kathryn
Subject: RE: More time needed to address FOIA EPA R2 2021 002471

Your e-mail below is sufficient documentation of the withdrawal of part 1 of this FOIA request, thank you. We will be on the lookout for the EPA FOIA Office's assignment of the new FOIA request to the Region.

From: Anthony N. Kaim <akaim@gibbsbruns.com>
Sent: Wednesday, April 14, 2021 1:43 PM
To: Yeh, Alice <Yeh.Alice@epa.gov>; Marshal Hoda <MHoda@gibbsbruns.com>
Cc: Calderon, Wanda <Calderon.Wanda@epa.gov>; DeLuca, Kathryn <deluca.kathryn@epa.gov>
Subject: RE: More time needed to address FOIA EPA R2 2021 002471

Ms. Yeh,

Thank you for the suggestion and we are amenable to proceeding in this way.

We will withdraw request number 1 for the Final Allocation Recommendation Report, and resubmit it as a standalone FOIA request. Please let me know if there is a certain form of communication you would prefer for us to withdraw part 1. Once we resubmit part 1 as its own request, we will notify you with the new FOIA request number.

Regards,

Anthony

Anthony N. Kaim
Gibbs & Bruns LLP
713.751.5249

From: Yeh, Alice <Yeh.Alice@epa.gov>
Sent: Tuesday, April 13, 2021 7:13 AM
To: Anthony N. Kaim <akaim@gibbsbruns.com>; Marshal Hoda <MHoda@gibbsbruns.com>
Cc: Calderon, Wanda <Calderon.Wanda@epa.gov>; DeLuca, Kathryn <deluca.kathryn@epa.gov>
Subject: RE: More time needed to address FOIA EPA R2 2021 002471

This is to respond to your request that EPA assert objections, if any, to producing the Final Allocation Recommendation Report, which is part 1 of FOIA request #EPA-R2-2021-002471, while part 2 is still being processed. It is the Region's practice to provide information about responsive material that is being withheld as exempt from disclosure under FOIA in the final determination on the FOIA request as a whole. In order to receive a final determination on part 1 earlier than on part 2, we suggest that you withdraw part 1 of this FOIA request and resubmit it as its own FOIA request. We expect to be able to respond to a new FOIA request that consists of part 1 approximately two weeks after the Region receives the FOIA assignment.

Please let me know if you would like to discuss this issue.

From: Anthony N. Kaim <akaim@gibbsbruns.com>
Sent: Wednesday, April 7, 2021 4:21 PM
To: Yeh, Alice <Yeh.Alice@epa.gov>; Calderon, Wanda <Calderon.Wanda@epa.gov>
Cc: Marshal Hoda <MHoda@gibbsbruns.com>
Subject: FW: More time needed to address FOIA EPA R2 2021 002471

Ms. Yeh and Ms. Calderon:

Following up on our call last week with Ms. Yeh and Ms. DeLuca, based on EPA's assertion that the search will require significant resources and time, we agree to an extension of time until June 4, 2021 for EPA to produce documents responsive to request number 2 below.

With respect to request number 1 for the Final Allocation Recommendation Report, to the extent EPA is going to object to producing that document, we are not amenable to a multi-month extension of time for EPA to assert objection(s). We propose that we agree to a date in the near term by which EPA will assert objections, if any, to producing the Final Allocation Recommendation Report in request number 1. Please confirm that EPA will assert its objections, if any, to producing the Final Allocation Recommendation Report by Friday, April 16, 2021.

Please let me know if you would like to discuss any of these issues.

Regards,

Anthony

Anthony N. Kaim
Gibbs & Bruns LLP
713.751.5249

From: Marshal Hoda <MHoda@gibbsbruns.com>
Sent: Monday, April 5, 2021 4:19 PM
To: Anthony N. Kaim <akaim@gibbsbruns.com>
Subject: FW: More time needed to address FOIA EPA R2 2021 002471

From: calderon.wanda@epa.gov <calderon.wanda@epa.gov>
Date: Wednesday, February 17, 2021 at 5:41 PM
To: Marshal Hoda <MHoda@gibbsbruns.com>
Subject: More time needed to address FOIA EPA R2 2021 002471

02/17/2021

Mr. Marshal Hoda
Gibbs & Bruns, LLP

1100 Louisiana Ave, Suite 5300
Houston, TX, 77002

mhoda@gibbsbruns.com

RE: Freedom of Information Act Request - EPA-R2-2021-002471

Hello,

This letter concerns the above-mentioned Freedom of Information Act (FOIA) request, submitted to the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on 02/05/2021. You are seeking the following records:

"1. The Final Allocation Recommendation Report submitted to EPA by ERG and/or AlterEcho pursuant to Task B5 of the Revised Work Plan attached to this Request. 2. All documents and communications shared between EPA and any representative of ERG and/or AlterEcho concerning the Final Allocation Recommendation Report or any drafts thereof."

Your FOIA request was assigned to the EPA Region 2 FOIA program (RFP) for processing. If you have any questions about your request, please contact me and reference your FOIA request tracking number EPA-R2-2021-002471.

Pursuant to 40 C.F.R. § 2.104(d), an extension of time is necessary to respond to your request. Given the scope of the request, EPA anticipates that the response will require a significant amount of EPA's resources and time to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request and to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. EPA anticipates that the response completion date will be on or prior to 6/4/2021. If EPA will require more response time, our FOIA Program will contact you to provide information on the estimated date of completion. We may also contact you if we determine that additional processing information is needed. EPA will issue interim releases wherever possible. If you would like to modify or narrow your request so that it may be processed sooner, please contact the below-mentioned FOIA Program.

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact mailto:press@epa.gov.

Thank you for contacting EPA.

Sincerely,

Wanda Calderon
Government Information Specialist
Office of Regional Counsel
EPA Region 2 FOIA Program (RFP)
212-637-3668
calderon.wanda@epa.gov
www.epa.gov/foia